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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ROBERT DEAN GRIFFIN,

9 Plaintiff,

10 v.

11 ROBERT HERZOG, et al,

12 Defendants.

Case No. 3:17-cv-05394-RBL-TLF

ORDER DENYING PLAINTIFF'S  
MOTION FOR DEFAULT

13 Before the Court is Plaintiff Robert Dean Griffin's motion/declaration for entry of default  
14 (Dkt. 29) and motion for default judgment (Dkt. 30). For the reasons set forth herein, the  
15 motions are denied.

16 **BACKGROUND**

17 On May 25, 2017, plaintiff filed a civil rights complaint alleging defendants violated his  
18 constitutional rights when they failed to treat his MRSA infection. Dkt. 3. On June 30, 2017,  
19 plaintiff filed a first amended complaint alleging that he was denied food, personal hygiene, and  
20 exercise. Dkt. 13. On July 6, 2017, defendants objected to the amended complaint based on the  
21 confusion of issues and defendants. Dkt. 14. On the same day, plaintiff filed a second amended  
22 complaint. Dkt. 16. Defendants again objected based on the confusion resulting from the second  
23 amendment and, in the alternative, moved for a more definite statement under Fed. R. Civ. P.

1 12(e). Dkt. 19. That motion is still pending. On July 28, 2017, plaintiff filed his motions for  
2 entry of a default judgment. Dkts. 29, 30.

3 **DISCUSSION**

4 According to the Federal Rules of Civil Procedure, if a motion is filed under Rule 12, the  
5 deadline for a responsive pleading changes according to a court's disposition of the motion. Fed.  
6 R. Civ. P. 12(a)(1). If the Court grants defendants' motion for a more definite statement,  
7 defendants' responsive pleading is due within 14 days of plaintiff's service of a more definite  
8 statement. *Id.* at 12(a)(4)(B). If the Court denies defendants' motion for a more definite  
9 statements, defendants' answer shall be due within 14 days of the denial. *Id.* at 12(a)(4)(A).  
10 Thus, a responsive pleading is not yet due and plaintiff's request that a default judgment be  
11 entered against defendants is premature.

12 Accordingly, it is **ORDERED**:

13 (1) Plaintiff's motions for default judgment (Dkts. 29 and 30) are **DENIED**.

14 (2) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for  
15 defendants.

16 Dated this 3rd day of August, 2017.

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20 Theresa L. Fricke  
21 United States Magistrate Judge  
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